

HIGH COURT OF UTTARANCHAL AT-NAINITAL.

Writ Petition No. 868 (S/S) 2004

Smt. Poonam Verma W/o Manoj Kumar Verma,
Assistant Teacher, Primary School Baste (Vind),
District Pithoragarh. Petitioner.

Vs.

State of Uttaranchal through
Education Secretary Uttaranchal, Dehradun,
And two others. Respondents.

Sri Rajendra Dobhal Adv. assisted by Sri Manoj Sah Ad. for the petitioner,
Learned Standing counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Rajendra Dobhal, learned counsel assisted by Sri Manoj Sah, Adv. for the petitioner and learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has challenged the transfer order dated 28.06.2004 passed by the District Inspector of School, Pithoragarh whereby the petitioner has been transferred from Primary School, Baste (Vind) district Pithoragarh to Primary School, Kuchguar (Vind), district Pithoragarh.

The grounds of challenge to the transfer order is that the petitioner earlier has applied for her transfer before the respondent on the ground of illness of her husband and the respondent, considering the grievances of the petitioner, transferred her from Primary School Phooltari, Dharchula district Pithoragarh to Primary School, Baste (Vind) district Pithoragarh vide its order dated 13.02.2004. Once she was transferred only four months back on her own requests, on the ground of illness of her husband, it is not clear from the impugned transfer order as to why the petitioner has again been transferred within four months. The transfer order dated 13.02.2004 itself reveals that the same was a mutual transfer order. Smt. Verma on her own request was sent from Phooltari to Baste (Vind) and Smt. Uma Singh was transferred in her place from Vind to Phooltari.

There was no occasion to transfer the petitioner within four months in public interest. For the reasons stated above, I direct the petitioner to move representation to the respondent's authorities within

two weeks from today and the respondent's authorities shall decide her representation within 15 days from the date of filing of the representation considering that she was transferred four months back and what was the occasion to retransfer her. Till the decision is taken on the representation of the petitioner, operation of the impugned transfer order dated 28.06.2004 shall remain stayed.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 30, 2004:
NCM: